

REMARKS

Applicant has canceled claims 1-4 and 8-14, amended claims 5, 7 and 16-17, and added new claims 18-20. Only claims 5-7 and 16-20 remain in the application, of which none have been allowed.

Claim 5, which was amended was rejected as obvious on Kalmanides (5,613,607) in view of Elwell (1,515,560). Claim 5 describes a cake container which includes a base (14, applicant's Fig. 1) and cover (16), wherein the base has outwardly-projecting dimples (26) and the cover has dimple-receiving regions (32). As shown in applicant's Fig. 2, the dimple-receiving region has a chimney (52) that receives a dimple when the cover is lowered and has a cavity (54) that receives the dimple when the cover is turned.

Novel features of claim 5 are that the base and cover are formed of deformed plastic sheet, so the walls of the dimple-receiving regions and cavities can deflect to assure receipt of the dimples. Also, the cover is formed of a transparent plastic sheet, so a person can view the dimple (Fig. 2 at 26A and 26B) as it moves in the dimple-receiving region.

Kalmanides shows a transparent cover that can be turned to lock to a base, but his locking mechanism is different because it includes flanges 30 on his cover that move at a downward incline along internal inclined ramps 40. He does not show applicant's chimney, and a person cannot readily see his flanges 30 through two layers of plastic.

Elwell shows a receptacle (Fig. 1) with a bead 12 that contains a wire ring 15a (Fig. 3) with parts at 15 that project out through openings 14. A cover has chimneys 30 with side portions 33 (Fig. 5) that receive the wire parts. His receptacle and cover appears to be made of sheet metal with rolled beads 12, 27. A person cannot see through his cover to view operation of his mechanism. Also, there is no indication whether his protruding wire parts 15 can deflect as can a dimple in a thin plastic sheet.

Kalmanides and Elwell cannot be combined to anticipate claim 5, as amended, because the only reference with a transparent cover is Kalmanides, and he requires a person to see through two layers to see a different mechanism. Also, deflection of parts in Kalmanides' mechanism would be undesirable, and Elwell's parts do not appear to be deflectable.

Claim 6, which depends from claim 5, describes a narrowing transition location (62 in Fig. 2) to resist unlatching. Elwell does not show this.

Claim 7, which depends from claim 6, describes the narrowing being in radial depth (i.e. along a radius to the vertical container axis). Elwell does not show this.

Claim 16, which has been amended, describes the base having an upwardly-deformed projection (132, Fig. 8) in its plastic sheet that forms a star. The star has at least four star points, each formed by a pair of primarily radially extending (with respect to axis 18) elongated portions (e.g. 132, 142) that are angled to converge at locations progressively further from the axis. Lisch (5,671,856) shows, in his Fig. 7A-1, walls that diverge away from the axis rather than converging, and that are not formed by an upwardly-deformed projection in a plastic sheet.

Claim 17, which depends from claim 16, describes a circular band (130) around the star. Through such a circular band is known, it is not shown around a star.

New Claim 18 is similar to claim 6 and original claim 2, in describing a constriction between the chimney (52) and cavity (54). Neither reference Kalmanides or Elwell suggest this.

New claim 19, which depends from claim 18, describes the constriction having a smaller radial depth than the cavity, which the references do not suggest.

New claim 20 is similar to claim 13 which was rejected on Kalmanides, Elwell and DeRossett (4,197,940). DeRossett shows a circle 140, but does not

mention a plate under his cake or label on the plate.

In view of the above, favorable reconsideration of the application is  
courteously requested.

Respectfully submitted,



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